

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALLISON-LOUISE SHATTER,

Plaintiff,

Case No. 23-cv-10144
Hon. Matthew F. Leitman

v.

ATCHINSON FORD SALES, INC.,

Defendant.

/

**ORDER (1) OVERRULING PLAINTIFF’S OBJECTIONS (ECF No. 65) TO
REPORT AND RECOMMENDATION (ECF No. 51) AND (2) DISMISSING
PLAINTIFF’S COMPLAINT WITH PREJUDICE**

In this action, *pro se* Plaintiff Allison-Louise Shatter brings claims against Defendant Atchinson Ford Sales, Inc. arising out of her purchase of a 2022 Ford Explorer from Atchinson. (*See* Compl., ECF No. 1.) Atchinson has also filed counterclaims against Shatter. (*See* Counterclaims, ECF No. 12.)

On October 2, 2023, the assigned Magistrate Judge issued a report and recommendation in which he recommended that the Court dismiss Shatter’s Complaint pursuant to Federal Rule of Civil Procedure 41(b) due to Shatter’s failure to prosecute her claims (the “R&R”). (*See* R&R, ECF No. 51.) The Magistrate Judge thoroughly described the procedural history of this case and went over each of the factors in the Rule 41(b) analysis in detail. (*See id.*) He identified the repeated failures to Shatter to appear for conferences, respond to Court orders, or otherwise

prosecute her claims, and he concluded that Shatter had “effectively abandoned her case by repeatedly failing to follow the Court’s orders.” (*Id.*, PageID.353.)

At the conclusion of the R&R, the Magistrate Judge explained to Shatter that if she wanted to object to his recommendation, she needed to file specific objections with the Court within 14 days. (*See id.*, PageID.353-354.) The Magistrate Judge then explained that each objection needed be individually labeled and “recite precisely the provision of [the R&R] to which it pertains.” (*Id.*, PageID.354.)

On October 12, 2023, Shatter filed a response to the R&R. Instead of filing specific objections to the R&R, Shatter submitted the first page of the Magistrate Judge’s recommendation, and she handwrote over the top of that page, in big black marker, the following: “Acceptance denied for cause misprison of felony.” (*Id.*) Shatter did not otherwise object to the R&R, and she did not identify any specific portions of the R&R to which she objected.

Shatter’s handwritten refusal to accept the R&R does not constitute a valid objection to the Magistrate Judge’s recommendation. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). In any event, the Court fully agrees

with the Magistrate Judge's detailed reasoning and concludes that dismissal of Shatter's Complaint is fully appropriate here.

Accordingly, for the reasons explained above, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommended disposition of Shatter's Complaint is **ADOPTED**.

IT IS FURTHER ORDERED that Shatter's Complaint (ECF No. 1) is **DISMISSED WITH PREJUDICE**.

Atchinson's counterclaims remain pending in this action.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: December 5, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 5, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
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